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1- Army probes radiation exposure at Fort Bliss

<http://www.foxnews.com/us/2013/07/16/army-probes-radiation-exposure-at-fort-bliss/-14>

Army investigators have detected radiation at a former nuclear weapons bunker at Fort Bliss and they're determining whether people on the West Texas post have been exposed, officials said Tuesday.

2- Valero's chief wants ethanol rules dumped

<http://www.mysanantonio.com/news/energy/article/Valero-s-chief-wants-ethanol-rules-dumped-4669152.php>

The head of the nation's largest independent refinery Tuesday pleaded with Congress to dismantle an 8-year-old mandate that forces gasoline makers to blend ethanol into the nation's fuel supply.

3- Army investigates radiation at Fort Bliss bunker

<http://www.armytimes.com/article/20130716/NEWS/307160017/Army-investigates-radiation-at-Fort-Bliss-bunker>

Army and federal investigators have detected radiation in a former nuclear weapons bunker at Fort Bliss and are trying to determine if anyone or other buildings on the West Texas post may have been contaminated, officials said Tuesday. A group of investigators from the Army, experts on nuclear and chemical weapons, as well as the Federal Bureau of Investigations Weapons of Mass Destruction team arrived Tuesday to the desert area where the bunker is located. It sits along with other above-ground concrete storage facilities completely buried in dirt.

4- Vote on McCarthy 'Hopefully' Will Occur This Week, Reid Says After Deal Reached

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=32950270&vname=denotallissues&jd=a0d9y7v2y1&split=0

Senate Majority Leader Harry Reid (D-Nev.) said July 16 a vote on the nomination of Gina McCarthy to head the Environmental Protection Agency will "hopefully" occur this week, based on Senate leaders' agreement to proceed on several executive branch nominees.

5- Reid Will Bring Energy Efficiency Measure To Senate Floor, Democratic Sponsor Says

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=32950273&vname=denotallissues&jd=a0d9z8b9y3&split=0

Senate Majority Leader Harry Reid (D-Nev.) has committed to providing floor time for a wide-ranging energy efficiency bill, Sen. Jeanne Shaheen (D-N.H.), the bill's Democratic sponsor told BNA July 16. The Energy Savings and Industrial Competitiveness Act of 2013 (S. 761) would authorize nearly \$600 million for a range of energy efficiency programs, including programs to increase energy conservation in the federal government and to establish voluntary national model building codes.

6- Boxer Vows to Hold 'Many' Climate Hearings After Senate Confirms EPA Administrator

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=32950263&vname=denotallissues&jd=a0d9y7t8c2&split=0

Sen. Barbara Boxer (D-Calif.) told reporters July 16 she will hold "many" additional hearings on climate change this fall after the Senate confirms an administrator of the Environmental Protection Agency. Boxer, who chairs the Senate Environment and Public Works Committee, said a July 18 hearing will examine the science behind climate change without going into the politics of President Obama's plan for addressing carbon dioxide emissions.

7- Most Americans oppose carbon taxes -- poll

<http://www.eenews.net/greenwire/2013/07/16/stories/1059984487>

A healthy majority of Americans oppose adoption of a carbon tax and would punish any elected official who voted for one, according to a new poll released today by the Institute for Energy Research, which opposes the policy.

8- Ash-thickened runoff floods N.M. homes

<http://www.eenews.net/greenwire/2013/07/16/stories/1059984472>

Monsoon season has arrived in northern New Mexico, but the rains bring bad news for residents downstream from steep slopes scarred by recent wildfires, as rivers and streams swell with tons of ash and debris washed from blackened mountains.

9- Anadarko faces investor suit as BP looks to reduce liability

<http://www.eenews.net/greenwire/2013/07/16/stories/1059984469>

Anadarko Petroleum Corp. will face a lawsuit alleging that it defrauded shareholders in the wake of the 2010 Gulf of Mexico oil spill, a judge has ruled. While U.S. District Judge Keith Ellison dismissed most of the allegations brought by plaintiffs, he found that there was sufficient reason to sue over a remark from Anadarko executive Robert Daniels. Daniels said the company had no involvement in design or procedures at BP's Macondo well.

10- Lack of aid forces West, Texas, school to set up classrooms in 'Portable City'

<http://www.eenews.net/greenwire/2013/07/16/stories/1059984459>

A Texas school district that was damaged in a fertilizer plant explosion earlier this year won't receive enough federal disaster aid or insurance to build permanent new classrooms before the new school year starts this fall.

11- 12 states sue EPA over agency's alleged 'sue and settle' tactics

<http://www.foxnews.com/politics/2013/07/17/oklahoma-11-other-states-sue-epa-over-sue-and-settle-strategy/>

Oklahoma Attorney General Scott Pruitt and the attorneys general of 11 other states sued the Environmental Protection Agency Tuesday, demanding that the agency turn over documents the states allege will show the agency cooperates with environmental groups as part of a "sue and settle" legal strategy to develop regulations.

12- NM reaches \$920K settlement with gas processor

http://www.currentargus.com/ci_23675813/nm-reaches-920k-settlement-gas-processor

State environment officials have reached a settlement with the operator of a natural gas processing plant in southeastern New Mexico over alleged pollution violations. The Environment Department says the settlement with Occidental Permian Limited Partnership is worth more than \$920,000. Most of the money will go toward installing pollution controls at the company's plant near Hobbs.

Army probes radiation exposure at Fort Bliss

Published July 16, 2013
Associated Press

FORT BLISS, Texas — Army investigators have detected radiation at a former nuclear weapons bunker at Fort Bliss and they're determining whether people on the West Texas post have been exposed, officials said Tuesday.

Post leaders said contaminated residue was buried in the 1950s and 1960s, when the base was operated by the Air Force. A man who worked there at the time contacted officials earlier this year expressing concern in case additional housing were to be built on the sprawling post, where officials launched an investigation.

They found levels of radiation in a bunker at Biggs Army Airfield that, along with other bunkers nearby, is used to store rifles and other weaponry. Soldiers preparing for deployment use the equipment for training prior to departure overseas, though it's not believed that any radiation transferred to the equipment used by the soldiers.

Still, officials said about 30 people have been working in the bunker taking inventory and conducting other tasks. They are being tested to determine whether they've been exposed.

Fort Bliss spokesman Maj. Joe Buccino said the levels of radiation are low and the contamination is contained to the area where the bunker is located, at least 1.5 miles from residential neighborhoods.

"We are unable to assess the level of risk," Buccino said.

Valero's chief wants ethanol rules dumped

WASHINGTON — The head of the nation's largest independent refinery Tuesday pleaded with Congress to dismantle an 8-year-old mandate that forces gasoline makers to blend ethanol into the nation's fuel supply.

"The renewable fuel standard is out of control," said [Bill Klesse](#), CEO of San Antonio-based Valero Energy Corp. "We support and believe that ethanol will be part of the fuel mix in this country, but the RFS is broken."

Klesse's comments came during a [Senate Energy and Natural Resources Committee](#) hearing on rising gasoline prices that underscored the many reasons motorists are paying more for fuel and the deep divide among lawmakers on how to tackle the problem.

While Klesse focused on the renewable fuel mandate, other witnesses blamed refinery outages, limited transportation options and a global market for keeping oil and gasoline prices high even as energy companies extract ever-more crude from dense rock formations across the United States.

Sen. [Ron Wyden](#), D-Ore., the committee chairman, said motorists aren't seeing the benefits of expanded domestic production.

But [Adam Sieminski](#), head of the government's [Energy Information Administration](#), insisted that gasoline prices are global.

"Consumers are benefiting from the growth in domestic oil production — 2 million barrels a day or so that we've seen in just the past few years," Sieminski said. "Increases in oil production from any source around the world, including the United States, tend to hold oil prices down."

The backdrop for the hearing was a sudden spike in gasoline prices during the peak summer driving season. AAA said the average price of a gallon of regular gasoline nationwide was \$3.65 on Tuesday, up 15 cents from a week ago.

Valero and other refiners contend a major driver of higher prices is the cost of complying with the renewable fuel standard.

The standard mandates that the nation's refiners blend increasing volumes of ethanol into the fuel supply. Refiners argue they're hitting what they call a "blend wall" — a point at which mixing the required volumes will exceed the 10 percent ethanol threshold acceptable for use in all cars and trucks.

Refiners that don't achieve the mandated volumes must buy biofuel credits, but demand for the credits has pushed their price above \$1 per gallon, up from 5 cents a year ago.

Valero estimates the purchase of the credits will cost it \$750 million this year.

Klesse noted Valero's investments in renewable fuels include \$749 million to buy 10 ethanol plants and \$400 million on its [Diamond Green](#) renewable diesel plant in Louisiana.

His company now is among the nation's largest producers of corn ethanol, the most common type by far in the United States, Klesse said.

But the renewable fuel standard also mandates volumes of cellulosic ethanol, made from nonfood sources, and Klesse said that kind of ethanol hasn't been produced commercially in sufficient quantities to comply. Several cellulosic plants are under construction.

“It's just this continuous drumbeat for more and more of products that are nonexistent,” Klesse said.

He advocates repeal of the renewable fuel standard, as does the [American Petroleum Institute](#), which says the standard is fundamentally broken.

But Sen. [Al Franken](#), D-Minn., said repealing the standard would mean throwing out a policy that has helped “to wean us off foreign oil.”

“I don't think it's fair to blame the renewable fuel standard,” Franken said. “I don't think it's time to attack the RFS when a number of cellulosic plants are about to come on.”

Some senators suggested that better monitoring of outages at U.S. refineries could ward off gasoline price spikes.

Climbing prices in February were blamed largely on refinery repairs, including both planned maintenance and unexpected outages.

The Energy Information Administration recently canceled a program for monitoring outages in the face of budget cuts. Wyden suggested it to be restarted.

Army investigates radiation at Fort Bliss bunker

FORT BLISS, TEXAS — Army and federal investigators have detected radiation in a former nuclear weapons bunker at Fort Bliss and are trying to determine if anyone or other buildings on the West Texas post may have been contaminated, officials said Tuesday.

A group of investigators from the Army, experts on nuclear and chemical weapons, as well as the Federal Bureau of Investigations Weapons of Mass Destruction team arrived Tuesday to the desert area where the bunker is located. It sits along with other above-ground concrete storage facilities completely buried in dirt. A yellow and red sign warning of radiation danger could be seen on the steel doors of bunker 11507.

Fort Bliss leaders said an investigation that began about two months ago revealed levels of radiation in the igloo-like bunker that was used by the Air Force for the assembly and storage of nuclear weapons at the height of the Cold War in the 1950s and 1960s. The Air Force transferred the area to the Army in 1966.

It is not clear why the Air Force did not tell the Army about the risk.

Fort Bliss spokesman Maj. Joe Buccino said epoxy paint was applied to the interior of the bunker years ago to contain the radioactivity, but that over the years the paint has become chipped, allowing the radioactive surface to become exposed.

Although further tests will determine the nature of the radiation Buccino said it originated most likely from uranium of the “old unsealed nuclear weapons” that used to be handled in the bunker.

Buccino said the levels of radiation are low and that the contamination is contained to the immediate area where the bunker is located. He said the closest residential neighborhood is about one mile away and that area residents are safe.

The epoxy paint chips “could have come loose and if you ingest them that's the concern,” he said. “They couldn't have come loose and then gone into the El Paso community; they don't travel that far.”

However, he said, they will know more once the Army Environmental Command finishes its report. He did not offer an estimate as to when that report might be finished but hinted that “the investigation is in its infancy.”

Rifles and other weaponry have been stored in the bunker since 2003, but Buccino said it's unlikely that soldiers who used the equipment are contaminated as a result. About 30 people who regularly work in the bunker taking inventory and conducting other tasks were being tested for radioactive contamination.

All personnel that have been working in the bunker — including contractors, civilian employees and service members — have been notified of the risk. It was not immediately clear how many people over the past decade were exposed to the radiation.

Based on tests done with Fort Bliss' limited capabilities equipment, the post experts' partial assessment showed that “there is some low level of contamination that could be transferred to personnel.” However, Buccino added, “there is no immediate health or safety risk to the soldiers that received the weapons for training.”

The investigation was triggered by a call from a man who worked at Fort Bliss in the 1950s when it was operated by the Air Force. He told post leaders that contaminated residue such as rags and other items had been buried in sealed containers there and expressed concerns that any new housing at the sprawling military post could dig up the contamination.

The residue is buried in the vicinity of the bunker complex, although officials said they do not know exactly where.

Mark Cauthers, Fort Bliss' deputy to the garrison commander, said the Army will conduct tests to find the buried materials and determine whether there are other areas where radioactive residue was buried.

Officials did not identify the former worker who contacted officials about two months ago. But they said he was likely exposed to the contaminated residue. The man, now in his 70s, is not showing symptoms of exposure, they said.

EPA

Vote on McCarthy 'Hopefully' Will Occur This Week, Reid Says After Deal Reached



By [Ari Natter](#)

Senate Majority Leader Harry Reid (D-Nev.) said July 16 a vote on the nomination of Gina McCarthy to head the Environmental Protection Agency will “hopefully” occur this week, based on Senate leaders' agreement to proceed on several executive branch nominees.

While the exact timing of the Senate vote on McCarthy remained unclear July 16, a Senate leadership aide, speaking on background, told BNA her vote could come as soon as July 17.

Although Republicans have opposed McCarthy, who has overseen some of EPA's most significant air pollution regulations in her current position as assistant administrator for air and radiation, she is expected to garner at least 60 votes to invoke cloture or shut off debate on her nomination ([134 DEN A-20, 7/12/13](#)).

Reid's decision to bring up McCarthy comes as Sen. Roy Blunt (R-Mo.) told reporters July 16 that his hold on the nominee remains in place.

Blunt announced March 18 that he was placing a hold on McCarthy's nomination until the administration announces a schedule for the release of a draft environmental impact statement for the St. Johns Bayou and New Madrid Floodway Project, which would close a 1,500-foot gap in the Mississippi River levee system ([53 DEN A-7, 3/19/13](#)).

The vote on McCarthy is part of a larger deal worked out between Democratic and Republican Senate leaders to hold votes on several stalled Obama nominees after Reid threatened to change Senate rules to allow filibusters on executive branch nominees to be ended with 51 votes instead of 60.

Cordray Nomination Approved

The Senate voted July 16 to approve the nomination of Richard Cordray to head the Consumer Financial Protection Bureau.

A vote to invoke cloture on the nomination of Fred P. Hochberg to serve a second term as head of the Export-Import Bank is scheduled for July 17.

In addition, votes were expected on Thomas Perez to be labor secretary and on two new appointments to the National Labor Relations Board.

McCarthy, whose nomination was announced in March, has been criticized by several Senate Republicans, including members of the Senate Environment and Public Works Committee, who at one point boycotted a confirmation vote and submitted over 1,000 questions to her for written responses.

The committee eventually approved her nomination on a party-line 10-8 vote May 16 ([96 DEN A-1, 5/17/13](#)).

137 DEN A-12

Energy

Reid Will Bring Energy Efficiency Measure To Senate Floor, Democratic Sponsor Says



By [Ari Natter](#)

Senate Majority Leader Harry Reid (D-Nev.) has committed to providing floor time for a wide-ranging energy efficiency bill, Sen. Jeanne Shaheen (D-N.H.), the bill's Democratic sponsor told BNA July 16.

The Energy Savings and Industrial Competitiveness Act of 2013 (S. 761) would authorize nearly \$600 million for a range of energy efficiency programs, including programs to increase energy conservation in the federal government and to establish voluntary national model building codes.

Shaheen, who introduced the legislation with Sen. Rob Portman (R-Ohio) in March, said in an interview the legislation is expected to be brought to the floor after the Senate considers appropriations legislation—most likely during the last week of July.

Amendments on Buildings, Keystone Possible

An agreement on what amendments will be allowed to be offered is being discussed, Shaheen said. “We’re working on that,” she said.

Among the amendments expected to be offered is a measure that would modify Section 433 of the Energy Independence and Security Act, a 2007 law that requires the Energy Department to issue energy efficiency standards for federal buildings that reduce the consumption of fossil fuel-generated energy.

The amendment, which is expected to mirror legislation (S. 1199) introduced by Sens. Joe Manchin (D-W.Va.) and Don Hoeven (R-N.D.), would replace the efficiency standards, which require that federal buildings use no fossil-energy-generated power by 2030.

The legislation would extend current efficiency targets from a 30 percent reduction by 2015 to a 45 percent reduction by 2020 and would set standards for alterations and additions to federal buildings, according to a summary.

Another possible amendment could require approval of the Keystone XL oil sands pipeline.

While it remains unknown if such an amendment will be allowed, Reid said in June that such a measure could be considered germane to the Shaheen-Portman bill ([110 DEN A-5/6/7/13](#)).

Other Highlights of Bill

Other highlights of the Shaheen-Portman bill include the authorization of \$250 million in grants for states to establish or expand energy efficiency financing programs for private buildings, \$200 million for the improvement and implementation of energy codes for residential and commercial buildings, and other measures to reduce energy consumption in the industrial and federal sector, according to the Congressional Budget Office.

In addition, the bill would establish a “sustainable manufacturing initiative,” create a “supply star” program to promote and increase efficiency in companies’ supply chains, and create rebate programs for the purchase of energy-efficient electric motors and distribution transformers, according to the draft.

Reid Vows Quick Action

A provision that would have created an incentive program for electric and natural gas vehicles was stripped from the bill in early June after a cost estimate released by the CBO found that program would have increased the bill’s cost by \$350 million over 10 years ([107 DEN A-16, 6/4/13](#)).

Reid, speaking to reporters July 16 after a closed-door caucus luncheon, said he planned to act on an energy bill “we’ve been trying to get to for a number of years” and later confirmed he was referring to S. 761.

“We’re going to move to that as quickly as we can,” Reid said.

The Shaheen-Portman bill is a scaled-back version of legislation (S. 1000) introduced in the 112th Congress that was approved by the Senate Energy and Natural Resources Committee but never brought to the floor ([109 DEN A-7, 6/7/12](#)).

Boxer Vows to Hold ‘Many’ Climate Hearings After Senate Confirms EPA Administrator



By [Anthony Adragna](#)

Sen. Barbara Boxer (D-Calif.) told reporters July 16 she will hold “many” additional hearings on climate change this fall after the Senate confirms an administrator of the Environmental Protection Agency.

Boxer, who chairs the Senate Environment and Public Works Committee, said a July 18 hearing will examine the science behind climate change without going into the politics of President Obama's plan for addressing carbon dioxide emissions.

“I don't intend to have meetings about the president's plans without a head of the EPA,” Boxer told reporters. A vote on the confirmation of Gina McCarthy as EPA administrator was expected later in the week ([see related story](#)).

Republicans Push for Government Witnesses

Committee Republicans have asked both Boxer and Obama in separate letters to have government witnesses testify at the upcoming hearing about the president's plans to address climate change, which were announced June 25 in a speech at Georgetown University ([123 DEN A-1, 6/26/13](#)).

Sen. David Vitter (R-La.), ranking member of the committee, wrote in a July 15 letter to Obama, “There seems to be little point in holding a hearing on climate change policy that excludes witnesses from our own federal government who could explain the national climate change ‘policy’ unilaterally established by your Administration” ([136 DEN A-11, 7/16/13](#)).

Eight Republican senators, including Vitter, asked Boxer on July 10 to include witnesses from the Obama administration to allow for congressional oversight of recent “unilateral actions” by the administration ([133 DEN A-19, 7/11/13](#)).

No witness list for the July 18 hearing has been publicly released.

7. CLIMATE:

Most Americans oppose carbon taxes -- poll

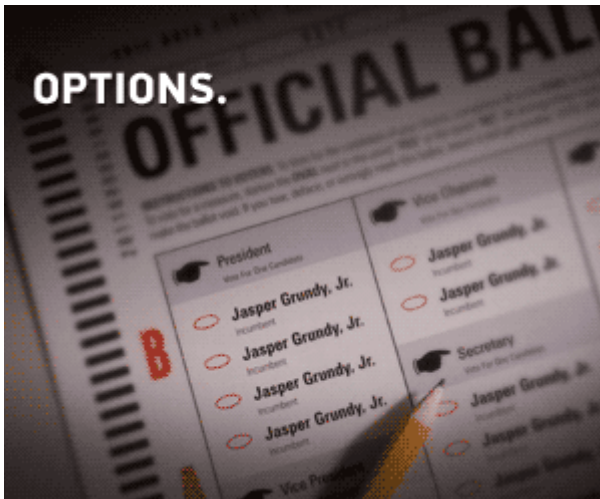
Jean Chemnick, E&E reporter

Published: Tuesday, July 16, 2013

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A healthy majority of Americans oppose adoption of a carbon tax and would punish any elected official who voted for one, according to a new poll released today by the Institute for Energy Research, which opposes the policy.

The nationwide [survey](#) of 800 registered voters was conducted last week by the Tarrance Group and has an error margin of plus or minus 3.5 percentage points.

"Some people in Washington are considering a tax on ... carbon dioxide emissions that would be paid by businesses of all sizes," the survey told participants.

Fifty-four percent of Democrats and 16 percent of Republicans said they supported the tax described. The policy was slightly more popular among women (37 percent) than men (34 percent).

Fifty percent of those polled said they would be less likely to vote for a member of Congress if he or she supported a carbon tax, while 33 percent said they would be more likely to do so. The remaining 18 percent said it wouldn't make a difference.

The survey didn't mention climate change, but instead asked respondents whether the economy (79 percent) or the environment (17 percent) was a higher priority for them.

IER spokesman Ben Cole said the poll skirted the climate change issue because it had already been "poll-tested to death" by President Obama and supporters of his climate change agenda.

"I'd be interested to see how many people who have done polls on climate change have asked people, 'Do you want to pay for a carbon tax?'" he said in an interview. He also disputed that a carbon tax would be an effective way to combat climate change.

In its poll, the fossil fuels advocacy group presented a carbon tax as a "tax increase," rather than the revenue-neutral model championed by some pro-carbon tax conservatives like former Rep. Bob Inglis (R-S.C.) and Arthur Laffer, who was an economic adviser to President Reagan.

"Do you believe the money from this tax increase should be used to pay down the federal debt, or fund new government spending?" the survey asked.

The vast majority of those polled said the new revenue should go to pay down the debt (80 percent) rather than to fund government programs (13 percent), but participants said it would likely go to government programs (73 percent) rather than debt-reduction (18 percent). Ninety-one percent of those polled said that businesses would pass the cost of the tax on to consumers.

The poll is part of a broad campaign by IER opposing the idea of a carbon tax, which has gained some renewed interest in Washington, D.C., think tanks and among Democratic lawmakers in the last couple of years but which faces long odds on Capitol Hill.

Cole said IER took the carbon tax seriously in part because Senate Finance Chairman Max Baucus (D-Mont.) and House Ways and Means Chairman Dave Camp (R-Mich.), leaders of Congress' tax-policy panels, haven't ruled out the possibility of including it in a broader tax reform measure.

"We think that it's still fair game for us to push back against," he said. "And we want to make sure that as many members as possible go home during the August recess and face their constituents in town hall meetings as possible, and are put on the record by their constituents about the carbon tax."

IER is preparing a recess briefing paper for lawmakers on the pitfalls of Obama's climate change plan, too, he said.

The American Energy Alliance -- IER's political arm -- also plans a new two-week radio advertising campaign for later in the week, aimed at pressuring five lawmakers from swing districts who it views as possible supporters of a carbon tax.

These include Democratic Reps. Bill Owens of New York, Kyrsten Sinema of Arizona, Patrick Murphy of Florida and William Enyart of Illinois, along with Republican Rep. Chris Smith of New Jersey. Smith, who voted for a carbon dioxide cap-and-trade bill that cleared the House in 2009, has been "particularly unreliable when it comes to energy issues," Cole said.

Finally, IER will host a panel tomorrow afternoon at which the group's CEO and founder, Robert Bradley, and four economic analysts who are opposed to a carbon tax will outline their views about its economic and environmental implications and about energy-sector regulation. The event will be held at the Loews Madison Hotel at 12:30 p.m. EDT.

Cole said that while all the panelists now oppose a carbon tax, there is some diversity of views: Economist Kenneth Green of the Fraser Institute will participate, and he once supported the idea.

11. WILDFIRES:

Ash-thickened runoff floods N.M. homes

April Reese, E&E reporter

Published: Tuesday, July 16, 2013

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PECOS, N.M. -- Monsoon season has arrived in northern New Mexico, but the rains bring bad news for residents downstream from steep slopes scarred by recent wildfires, as rivers and streams swell with tons of ash and debris washed from blackened mountains.

At a meeting Saturday in this small town at the foot of the Sangre de Cristo Mountains, not far from the Pecos River, officials from the Forest Service's Burned Area Emergency Response (BAER) team warned local residents that flooding of homes along the Pecos and its tributaries is already occurring and could get worse.

"This is serious. This is no joke regarding the flooding," said Rob Arlowe, deputy team leader for the BAER assessment team, reminding residents that they can pick up sandbags at a local store.

In the most severely burned areas, the fires consumed almost all vegetation, leaving behind only blackened sticks. Add to that deeply scorched soils that can no longer absorb water, and the result is sheets of water racing across slopes into streams, picking up ash, dirt and woody debris along the way.

During the presentation, officials showed photographs of a porch coated in 2 feet of muck washed in by a flood last week. In another photo, muddy sandbags lay scattered in a yard after rushing waters destroyed the landowner's makeshift barricade.

"We got through the fire all right, and now we're dealing with this," resident John Salvo, who lives about 100 feet from the river a few miles up the canyon, said after the meeting.

Soot and debris aren't the only things coming down the river in front of the couple's house, added Salvo's wife, Mattie.

"We saw all these fish coming down from the ponds," she said. "It was 30 minutes of dying fish."

Saturday afternoon at a pullout along the muddy Pecos River, Alex Hartless, a fuels specialist with the Bitterroot National Forest in Montana who was sent here to help patrol the area, said that several miles up the canyon, all manner of debris has been choking roads during the almost daily thunderstorms that rumble through the mountains.

"Yesterday was kind of humorous, because chairs and tables washed down the road with all the muck," he said, standing by the river in a light rain.

Crews are using front loaders, snowplows, chain saws and other equipment to clear debris from roads, he said. The Forest Service is also removing branches and logs from the river channel and cutting hazard trees along roads.

Along State Route 63, which follows the Pecos River up its namesake canyon, signs warn of the potential for flash floods and falling rocks.

So far, crews have cleared debris, including "thousands of small rocks," mud, ash and burned trees that had washed into roads, officials said. They have also pumped out restrooms at campgrounds to keep sewage from fouling the river and installed gates to keep people out of hazardous areas.

Federal officials have issued flash flood warnings for the past three days in a row, and daily afternoon storms are washing more and more ash and debris from seared slopes upstream.

"All the runoff from Jaroso hasn't made it to Pecos yet," Cathleen Thompson, a BAER specialist with the Forest Service, told the crowd gathered at Pecos High School. "That's why it's very important you pay attention to the weather alerts. It might not be raining here, but it could be on the mountain."

BAER's role

The 10,000-acre Tres Lagunas fire, sparked by a downed power line on May 30, burned through steep terrain in the Sangre de Cristo Mountains about 10 miles north of the town of Pecos. Higher up, the more recent Jaroso fire scorched 11,000 acres.

The BAER team is charged with making a quick assessment of burn severity and recommending rehabilitation measures that can be taken in the immediate aftermath of the fires.

The team has created post-fire flooding models to try to predict how runoff will occur and which areas are most at risk of flooding and erosion.

Its analysis, summarized at the meeting, shows that about 55 percent of the area scorched by the Jaroso fire burned at a high severity; on the Tres Lagunas burn site, about 40 percent of the forest was severely scorched.

The Pecos area of Santa Fe National Forest has numerous private land inholdings, and Forest Service officials can only tackle protective measures on federal land. The Natural Resources Conservation Service is offering some assistance to private landowners through its Emergency Watershed Protection program. The Pecos Canyon Volunteer Fire Department is also aiding residents by providing sandbags.

For the national forests, the initial objective of the BAER team was to conduct as much post-fire rehabilitation work as possible before the rains arrived, but no re-seeding has been done yet. Officials with the BAER team said the seed mix for the Tres Lagunas burn site has been ordered and an aerial team has been contracted to do the work, but neither will arrive until tomorrow.

The seeding and mulching of the slopes burned by the Tres Lagunas fire, which will be done by helicopter, will help return vegetation to the area, stabilize the soil and reduce erosion.

The BAER team said it is finalizing its recommendations for stabilization measures and treatments that should be taken on the Jaroso fire and plan to submit them to Santa Fe National Forest officials this week.

But the greater-than-usual risk of flooding will continue for several years to come, officials warned.

"With the Tres Lagunas burned area, and the Jaroso burned area, residents and businesses in the Pecos Canyon area could expect increased run-off, flooding, and mud-debris flow events for the next 3-7 years following these wildfires," the Forest Service said in a release issued Sunday on its Incident Information website for the Jaroso fire.

Older fire scars in northern New Mexico and elsewhere, such as the area burned by the Las Conchas wildfire in the Jemez Mountains northwest of Santa Fe two years ago, also are still vulnerable to flooding and erosion ([Greenwire](#), July 19, 2012).

GULF SPILL:

Anadarko faces investor suit as BP looks to reduce liability

Published: Tuesday, July 16, 2013

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Anadarko Petroleum Corp. will face a lawsuit alleging that it defrauded shareholders in the wake of the 2010 Gulf of Mexico oil spill, a judge has ruled.

While U.S. District Judge Keith Ellison dismissed most of the allegations brought by plaintiffs, he found that there was sufficient reason to sue over a remark from Anadarko executive Robert Daniels. Daniels said the company had no involvement in design or procedures at BP's Macondo well.

"The court finds that one statement in the complaint, made by defendant Daniels, is adequately pled" under the federal law surrounding securities-fraud claims, Ellison said in his ruling. "Full dismissal is therefore not warranted."

Anadarko held a 25 percent interest in the ill-fated BP PLC well. The 2010 accident, considered the worst oil spill in U.S. history, killed 11 workers ([Bloomberg/Fuel Fix](#), July 16).

Meanwhile, BP is arguing that about 10 percent of the crude oil that spewed into the Gulf during the spill should not be counted as officials tally up its civil fines. The company contends that the oil dissolved once it reached the surface, the U.S. government said in court papers.

If the court rules in favor of BP, it could cut back another \$1.7 billion from the Clean Water Act fines it faces.

Justice Department lawyers argue that dissolved oil still should count toward the fine calculation (Harry R. Weber, [Fuel Fix](#), July 15).

In a separate move, BP has established a hotline for people to report alleged fraudulent claims linked to the spill ([AP/Fuel Fix](#), July 16). -- WW

CHEMICALS:

Lack of aid forces West, Texas, school to set up classrooms in 'Portable City'

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A Texas school district that was damaged in a fertilizer plant explosion earlier this year won't receive enough federal disaster aid or insurance to build permanent new classrooms before the new school year starts this fall.

Students from West -- a small town an hour south of Dallas -- were transferred to temporary classrooms in April following the blast at West Fertilizer Co. that occurred when a fire set off explosive chemicals. The explosion killed 15 people, destroyed dozens of homes and leveled three of the school district's four buildings.

Administrators were counting on federal disaster relief and a sizable insurance payout to rebuild the district. But federal officials rejected West's \$40 million aid request, and insurance companies have offered \$20 million of the school district's \$59 million insurance policy.

As a result, students will resume class next month in a group of trailers that has earned the nickname "Portable City." School officials worried that the setup would kill student morale and drive parents to enroll their children in other school districts.

"Delaying it another year is not going to do any good as far as morale goes, for the community and for our kids," said Superintendent Marty Crawford (Nomaan Merchant [Associated Press](#), July 16). -- DB

12 states sue EPA over agency's alleged 'sue and settle' tactics

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FoxNews.com



July 7, 2010: A U.S. Environmental Protection Agency (EPA) worker looks at oil from the Deepwater Horizon spill which seeped into a marsh in Waveland, Mississippi. (Reuters)

Oklahoma Attorney General Scott Pruitt and the attorneys general of 11 other states sued the Environmental Protection Agency Tuesday, demanding that the agency turn over documents the states allege will show the agency cooperates with environmental groups as part of a "sue and settle" legal strategy to develop regulations.

The lawsuit, filed in U.S. District Court in Oklahoma City, alleges that binding consent decrees between the EPA and environmental groups that have sued the agency over the years have led to new rules and regulations for states without allowing their attorneys general to defend their interests and those of its businesses and consumers.

"The EPA is picking winners and losers, exhibiting favoritism, at the expense of due process and transparency," Pruitt said in a statement. "They are manipulating our legal system to achieve what they cannot through our representative democracy. The outcomes of their actions affect every one of us by sticking states with the bill and unnecessarily raising utility rates by as much as 20 percent."

Besides Oklahoma, the attorney generals of Alabama, Arizona, Georgia, Kansas, Michigan, Nebraska, North Dakota, South Carolina, Texas, Utah and Wyoming are parties to the lawsuit.

EPA's press secretary in Washington, D.C., Alisha Johnson, denied allegations that the agency cooperates with environmental groups to develop regulations.

"We have no input or control over what parties sue us or what issues they focus on," Johnson said.

Pruitt said as many as 40 lawsuits have been filed against EPA over the years by such environmental groups as Greenpeace, Defenders of Wildlife, WildEarth Guardians and the Sierra Club that have led to consent decrees, "sometimes on the same day the lawsuit is filed," that include terms and conditions that go beyond statutory guidelines approved by Congress.

"I would look at that very suspect and say: 'What's going on?'" Pruitt said. "The EPA is picking winners and losers. These cases affect Oklahoma's ability to do its job."

Johnson said EPA does not enter into legal settlements that give the agency new or additional authority.

"An outside entity cannot compel us to take action we were not already compelled to take by law," she said.

The states' lawsuit seeks to enforce federal Freedom of Information Act guidelines involving the states' request for letters, emails and any other correspondence between the EPA and environmental organizations before they sue the agency. The attorney generals want to analyze the documents to determine the nature of EPA's legal strategy concerning environmental groups.

In one instance, the lawsuit says the states made a FOIA request to EPA in February seeking records about the agency's negotiations with environmental groups that led to binding consent decrees concerning state implementation plans for the EPA's regional haze guidelines under the Clean Air Act.

Pruitt is challenging regional haze guidelines for Oklahoma in federal court. Utility officials have said the regulations could cause electricity rates to rise 13 percent to 20 percent in three years.

"It's a regulation-through-litigation type of initiative," Pruitt said. "And we are not even a party to that litigation. That's a troublesome thing."

The states also asked the agency to waive any fees for collecting the information, a request the agency denied. In a May 31 letter to Pruitt's office, the agency said the states' FOIA request "fails to adequately describe the records sought."

"EPA's denial of the states' FOIA request is consistent with their apparent protocol to avoid compliance with FOIA by telling requestors that their FOIA request is overbroad," the lawsuit alleges.

"Ninety-two percent of the time EPA grants fee waiver requests from noncommercial requesters who are supportive of EPA's policies and agendas, but denies a majority of fee waiver requests from noncommercial requesters who are critical of EPA," the complaint states.

Pruitt said a majority of the states' requests for information have been rejected.

"We are deserving of information from the EPA," the attorney general said. "They've routinely said no, period."

Johnson said FOIA rules require that requesters describe the records they want so they can be located with a reasonable amount of effort.

The Associated Press contributed to this report.

Read more: <http://www.foxnews.com/politics/2013/07/17/oklahoma-11-other-states-sue-epa-over-sue-and-settle-strategy/#ixzz2ZJSXufAS>

NM reaches \$920K settlement with gas processor

The Associated Press

Posted: 07/17/2013 03:02:43 AM MDT

HOBBS, N.M.—State environment officials have reached a settlement with the operator of a natural gas processing plant in southeastern New Mexico over alleged pollution violations.

The Environment Department says the settlement with Occidental Permian Limited Partnership is worth more than \$920,000. Most of the money will go toward installing pollution controls at the company's plant near Hobbs.

The department alleges the plant in 2010 failed to fully report emissions from flaring events that exceeded permit limits for carbon monoxide, hydrogen sulfide, sulfur dioxide and other pollutants.

Under the settlement, Occidental denies violating any regulations but agreed to pay a \$95,000 penalty and will spend at least \$825,482 to install the new equipment.

Occidental says the total cost of the equipment could be more than \$2 million.